

### REMARKS

The Examiner objected to the drawings because the RESET SIGNAL lines shown in Figures 2 and 4 are misplaced. Applicant has submitted herewith corrected drawings. A new set of formal drawings has been transmitted to the draftsman under a separate cover.

The Examiner rejected Claim 2 under 35 U.S.C. 112, second paragraph because the recitation R=1 in the claim renders the claim indefinite because it conflicts with the limitation recited in Claim 1. The above amendment to Claim 2 cures this defect.

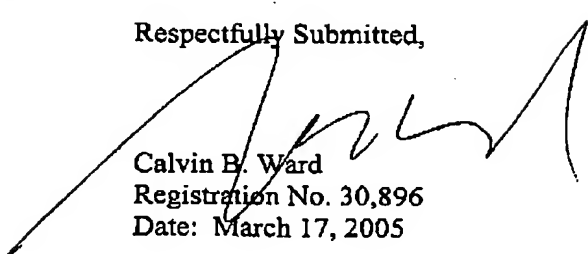
The Examiner rejected Claims 1-2 and 4 under 35 U.S.C. 102(b) as being anticipated by US 5,614,869, issued to Bland. Applicant traverses this rejection. The Examiner has the burden of showing by reference to the cited art each claim limitation in the reference. Anticipation under 35 U.S.C. 102 requires that each element of the claim in issue be found either expressly or inherently in a single prior art reference. *In re King*, 231 USPQ 136, 138 (Fed. Cir. 1986); *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 781, 789 (Fed. Cir. 1983). The mere fact that a certain thing may result from a given set of circumstances is not sufficient to sustain a rejection for anticipation. *Ex parte Skinner*, 2 USPQ2d 1788, 1789 (BdPatApp&Int 1986). "When the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference" (*In re Rijckaert*, 28 USPQ2d, 1955, 1957).

With respect to Claim 1, the Examiner maintains that Bland teaches an edge counter that generates a value equal to the number of edges in the intermediate signal that have occurred since a reset signal was generated. The Examiner points to edge counter 61 in Figure 4A and the passages at col. 5, lines 19-21 and 32-39 as supporting this assertion. Applicant must disagree with the Examiner reading of these passages. The passages state that the counter is incremented on each rising edge, not each edge. Hence, the counter does not generate a value equal to the number of edges since the reset signal. Accordingly, Applicant submits that Claims 1 and the claims dependent therefrom are not anticipated by Bland.

The Examiner indicated that Claim 3 would be allowable if rewritten in independent form. The above amendment to Claim 3 places the claim in independent form.

I hereby certify that this paper is being sent by FAX to 703-872-9306.

Respectfully Submitted,



Calvin B. Ward  
Registration No. 30,896  
Date: March 17, 2005

Agilent Technologies, Inc.  
Legal Department, M/S DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599  
Telephone (925) 855-0413  
Telefax (925) 855-9214